IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13474 of 2004

Between:

Darji Shanta Bai, D/o.Gyanoba, 45 years,
R/o Durki Village, Birkur Mandal, Nizamabad District.

...PETITIONER

AND

1. The Mandal Revenue Officer, Birkur Mandal, Nizamabad District.
2. The Revenue Divisional Officer, Bodhan, Nizamabad District.
3. The District Collector, Nizamabad District.
4. The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or Writ specially one in the nature of Writ of Mandamus directing Respondent NO.1 to mutate the name of petitioner in Revenue Records as owner and pattadar in respect of land of Ac. 0-8 1/2 Gts in Sy.No.479, Ac.0-09 1/2 Gts in Sy.No.480 and Ac.0-38 Gts. in Sy.No.503 i.e. Total Ac.1-16 Gts., and issue pass books accordingly declaring in-action of Respondent NO.1 on the representation of petitioner in this regard as unreasonable and illegal.

Counsel for the Petitioner: MR.A.BICHAIAH

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO.13491 of 2004

Between:

Durgam Narayana, S/o.Ramanna, 45 years,
R/o.Durki Village, Birkur Mandal, Nizamabad District.

...PETITIONER

AND

1. The Mandal Revenue Officer, Birkur Mandal, Nizamabad District.
2. The Revenue Divisional Officer, Bodhan, Nizamabad District.
3. The District Collector, Nizamabad District.
4. The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or writ specially one in the nature of writ of mandamus directing respondent no.1 to mutate the name of petitioner in Revenue Records as owner and Pattadar in respect of land of Ac.0.05 gts., in Sy.No.47/2E, and Ac.0.16 gts., in Sy.No.47/1A, i.e. total Ac.0.21 guntas and issue Pass books accordingly declaring inaction of respondent No.1 on the representation of petitioner in this regard as un-reasonable and illegal.

Counsel for the Petitioner: MR.A.BICHAIAH

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO.13501 of 2004

Between:

Mitta Gangaram, S/o.Pedda Sayanna, 30 years,
R/o.Durki Village, Birkur Mandal, Nizamabad Dist.

...PETITIONER

AND

1. The Mandal Revenue Officer, Birkur Mandal, Nizamabad District.

2. The Revenue Divisional Officer, Bodhan, Nizamabad District.

3. The District Collector, Nizamabad District.

4. The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or writ specially one in the nature of writ of Mandamus directing respondent No.1 to mutate the name of petitioner in Revenue Records as owner and pattadar in respect of land of Ac.0-05 gts. in Sy.No.47/1E, Ac.0-05 gts. in Sy.No.47/1U, Ac.0-32 gts. in Sy.No.47/2A i.e. Total Ac.1-02 gts., and issue pass Books accordingly declaring in-action of Respondent No.1 on the representation of petitioner in this regard as un-reasonable and illegal.

Counsel for the Petitioner: MR.A.BICHAIAH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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COMMON ORDER:

The petitioners in these Writ Petitions are residents of Durki Village, Birkur Mandal of Nizamabad District. They allege that they are in possession of small extents of lands in Survey Nos.479, 480, 503 and other survey numbers. They also allege that the lands are classified in the Revenue records as *inam* lands, but there is no claimant for these lands for occupancy right certificates. Therefore, they approached the Mandal Revenue Officer, the first respondent herein to mutate their names and issue pattadar pass books and title deeds, in vain. Therefore, they filed the present Writ Petitions seeking a direction to the first respondent to dispose of their applications.

To seek mutation in Revenue records or to seek pattadar pass books and title deeds under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1973, a person has to show title to the land either by way of succession or by alienation. The petitioners are allegedly in occupation of the lands and therefore, they cannot seek any mutation. Further, their applications cannot be treated as one for issue of pattadar pass books and title deeds. Be that as it is, as the applications have been pending before the first respondent since January 2000, it would be appropriate to direct the first respondent to dispose of the applications and pass appropriate orders under law within a period of eight (8) weeks from the date of receipt of a copy of this order. As and when he passes orders, liberty is given to the petitioners to file appropriate appeal before the Revenue Divisional Officer, the second respondent. It is made clear that if the petitioners are eligible for assignment of land as landless poor persons, then only their cases will be considered for assignment.

The three Writ Petitions, with the above observations, are disposed of.

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(V.V.S.RAO, J)

2nd August 2004

RRB

Copies to:

1. The Mandal Revenue Officer, Birkur Mandal, Nizamabad District.
2. The Revenue Divisional Officer, Bodhan, Nizamabad District.
3. The District Collector, Nizamabad District.
4. The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.